

FILED
IN THE DISTRICT COURT IN AND FOR MUSCATINE COUNTY

Preliminary Complaint Affidavit

The State of Iowa,
Plaintiff,

JEFF L. TOLLENAER
CLERK OF DISTRICT COURT
MUSCATINE CO. IOWA

Case # 2013010208

Vs.

SS# [REDACTED]

DOB: [REDACTED]

THOMAS ANDREW TOVAR

Sex: Male Race: Caucasian

Defendant

Address: [REDACTED] City: Muscatine State: Iowa Zip: 52761

The defendant is accused of the crime(s) of: Sexual Abuse Third Degree in violation of

Iowa Code Section(s) 709.4(3)(b), in that the defendant on the 16 day of February, 2013, in the city of
Muscatine, County, Muscatine

Said crime committed as follows; the said Defendant on or about February 16, 2013, in Muscatine, Muscatine County, Iowa, did unlawfully and willfully; perform a sex act against the will of another person while that person was mentally incapacitated, physically incapacitated or physically helpless

Defendant implicated in crime by:

☐ possessed drug/paraphernalia ☐ possessed alcoholic beverages/containers ☒ admissions/statements ☐ fingerprints
☐ observed by officers ☐ near scene of the crime ☒ identified by witnesses ☐ caught in the act
☐ operating motor vehicle in Muscatine County ☐ possession of crime related property
☐ possession/use of weapon ☐ caused personal injury ☐ caused property damage
☒ other DNA

☒ VICTIM REQUESTS A NO CONTACT ORDER

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons from the basis for my belief that the Defendant committed said crime(s).

☒ See attached

[Signature] 07/24/13
Signature of Officer / Complaining witness Date Iowa Attorney General/Assistant

WITNESS NAME (DESIGNATE VICTIM)	ADDRESS

The court finds that PROBABLE CAUSE EXISTS to detain the accused for the charge(s) set forth above. The defendant is to be admitted to bail in the amount of \$25,000 under the following conditions: ☒ Cash only ☐ Cash or Surety
☐ 10% Cash to the Court ☐ Own Recognizance ☐ Other conditions: _____

[Signature]
Judge / Magistrate
Marlita A. Greve

07/24/13
Date

SERVED on 07/25/13 By S/A [Signature]

AFFIDAVIT OF PROBABLE CAUSE

STATE OF IOWA, COUNTY OF MUSCATINE, SS:

I, the undersigned, state the following facts known by me, or told to me by other reliable persons, form the basis for my belief that the Defendant committed this crime:

On February 16, 2013, at approximately 1:39 a.m., Officer MINNAT PATEL of the Muscatine Police Department was dispatched to the intersection of Eighth Street and Iowa Avenue in Muscatine, Muscatine County reference an intoxicated driver. Officer PATEL was told the vehicle may be heading in the direction of the Clarion Hotel, located at ~~300~~ North Highway 61. He was further advised the suspect vehicle was a silver Dodge Durango.

2915 gone*

At approximately 1:50 a.m., Officer PATEL stopped the aforementioned vehicle which was operated by DAVID FAUST. The vehicle stop took place in the 300 block of Cleveland Street in Muscatine Iowa. Officer THOMAS A TOVAR of the Muscatine Police Department assisted with the OWI stop. Also within the suspect vehicle was an adult female. FAUST was arrested by Officer PATEL for Operating a Motor Vehicle While Intoxicated (OWI). The adult female was also intoxicated. After FAUST was placed under arrest, Officer TOVAR volunteered to transport the adult female to her hotel room within the Clarion Hotel located at 2915 North Highway 61 in Muscatine, Iowa.

Due to her level of intoxication, the adult female recalls the OWI stop but has very little recall on how she was transported from the vehicle stop to the Clarion Hotel. The adult female does remember a male being on top of her on the bed in the hotel room. The male was wearing clothing with uniform-like material and was lying over the top of her and consoling her. The following morning, FAUST was released from jail and returned to the hotel. When FAUST walked in the room he observed the adult female laying on the bed in a fetal position with no clothes on. The adult female normally does not sleep without clothes, which, in connection with the memory of the male on top of her several hours before, gave concern that she had been sexually assaulted.

DAVID FAUST called the Muscatine Police Department and filed a complaint. Lieutenant TONY KEYS of the Muscatine Police Department went to the Clarion Hotel and interviewed FAUST and the adult female. THOMAS TOVAR was waiting outside of the hotel while the interview took place and the adult female identified TOVAR as the individual who was on top of her in the hotel room earlier that morning. A voluntary search was conducted on the room used by FAUST and the adult female. Said room, Room 121, was searched by Officer DUSTIN GARNER of the Muscatine Police Department. As part of his search, Officer GARNER seized the bedding as well as the clothing worn by the adult female. The aforementioned items were hand delivered by S/A RAHN to the DCI Criminalistics Laboratory on February 25, 2013, at approximately 1:24 p.m.

On March 1, 2013, Special Agent RAHN met with THOMAS TOVAR and his attorney, MURRAY BELL. Said meeting took place at the Stockton Highway Patrol Post. The purpose of the meeting was to obtain buccal swabs pursuant to an 810 Order. TOVAR provided said buccal swabs. The swabs were mailed to the DCI Criminalistics Laboratory via certified mail on March 4, 2013.

KRISTAN EVANS, a criminalist for the DCI Criminalistics Laboratory, found four(4) sperm fractions on the seized bedding that matched the known DNA profile of THOMAS A TOVAR. Additionally, screening test performed on three (3) areas in the crotch of the adult female's blue jeans indicated the presence of seminal fluid. The profile indicated the presence of a mixture of DNA from more than one contributor. Assuming a two (2) person mixture, the profile of the major contributor matched the known profile of THOMAS A TOVAR.


Signature

Subscribed and sworn to before me on this 24th day of July, 2013



Judge Notary Public / (Deputy) Clerk / Magistrate
Marlita A. Greve